

## **REMARKS**

Claims 1-41 were pending in the present application. Claims 17-38 and 41 were cancelled. Claims 1, 15, 39, and 40 have been amended. New claims 42-99 have been added. Claims 1, 15, and 39, and 40 are independent. Applicants believe that the present application is in condition for allowance, which prompt and favorable action is respectfully requested.

### **I. REJECTION UNDER 35 U.S.C. §102**

The Examiner rejected claims 1-11, 15-22, 24-28, and 39-31 under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 6,879,579 (hereinafter “Myles”). The rejection is respectfully traversed in its entirety.

Claim 1 recites, amongst other things, “receiving at least one broadcast message including information regarding configuration of at least two contention-based random access channels for a frame,” and “transmitting a message on the selected random access channel to access the system during the frame.” These recitations are not taught by Myles or the other cited reference. Thus, claim 1 is allowable over Myles.

Claims 2-11 depend from claim 1, and are allowable over claim for, at least, the same reasons as stated with respect to claim 1.

Claim 15 recites, amongst other things, “if the terminal is registered, transmitting a first message on a first contention-based random access channel,” and “if the terminal is unregistered, transmitting a second contention-based message with a different format than the first message.” These recitations are not taught by Myles or the other cited reference. Thus, claim 15 is allowable over Myles.

Claim 16 depends from claim 15, and is allowable over claim for, at least, the same reasons as stated with respect to claim 15.

Claim 39 recites, amongst other things, “a controller operative ... to process an assignment, received responsive to the message, to utilize at least one channel, other than the at least two contention based random access channels, for data transmission.” These recitations are not taught by Myles or the other cited reference. Thus, claim 39 is allowable over Myles.

Claims 16 and 65-81 depend from claim 39, and are allowable over claim for, at least, the same reasons as stated with respect to claim 39.

Claim 40 recites, amongst other things, “means for selecting one contention-based random access channel from among at least two random access channels ... both of which are different from channels used for data transmission by the apparatus.” These recitations are not taught by Myles or the other cited reference. Thus, claim 40 is allowable over Myles.

## **II. REJECTION UNDER 35 U.S.C. §103**

### **A. Claim 14**

The Examiner rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over Myles.

Claim 14 depends from allowable claim, and is thus allowable for, at least, the reasons stated with respect to claim 1.

### **B. Claim 13**

The Examiner rejected claim 13 under 35 U.S.C. §103(a) as being unpatentable over Myles in view of U.S. Patent Publication No. 2002/0122393 (hereinafter “Caldwell”).

Claim 13 depends from allowable claim, and is thus allowable for, at least, the reasons stated with respect to claim 1.

### **C. Claim 12**

The Examiner rejected claim 12 under 35 U.S.C. §103(a) as being unpatentable over Myles in view of U.S. Patent Publication No. 2004/0047292 (hereinafter “du Crest”).

Claim 12 depends from allowable claim, and is thus allowable for, at least, the reasons stated with respect to claim 1.

## **II. NEW CLAIMS 42-99**

New claims 42-54 depend from claim 1, and are allowable over claim for, at least, the same reasons as stated with respect to claim 1.

New claims 55-64 depend from claim 15, and are allowable over claim for, at least, the same reasons as stated with respect to claim 15.

New claims 65-81 depend from claim 39, and are allowable over claim for, at least, the same reasons as stated with respect to claim 39.

New claims 82-99 depend from claim 40, and are allowable over claim for, at least, the same reasons as stated with respect to claim 40.

### REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: December 27, 2006

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